

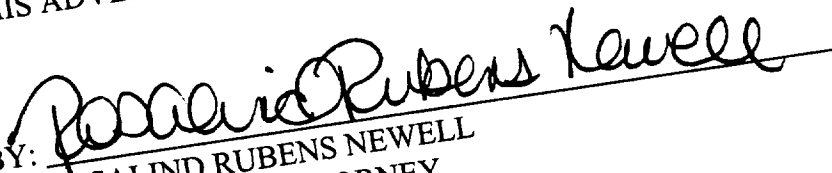
Entered - 4-9-01 - sb  
CL01L0228 - ALEXIS HOLMES

01-L-1155

CLAIM OF: **NEAL H. HOWARD**  
1900 Century Place, Suite 310  
Atlanta, Georgia 30345

For alleged damages sustained as a result of a wrongful arrest at  
Plaster Avenue and Peachtree Hills Road.

THIS ADVERSED REPORT IS APPROVED

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

# DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Date: 7/10/01

Claim No. 01L0228

Claimant / Victim NEAL H. HOWARD

BY: (Atty)(Ins.)

Address: 1900 Century Place, Suite 310, Atlanta, Georgia 30345

Subrogation

Date of Notice: 4/9/01

Conforms to Notice: O.C.G.A. §36-33-5

Date of Occurrence 10/24/00

Department Police

Employee involved Officer Ludwig

Claim for Property damage \$ Unspecified

Method: Written, proper X

Place: Plaster Avenue and Peachtree Hills Road

Division: Field Operations Division

Disciplinary Action: None taken

Bodily Injury \$

Ante Litem (6 Mo.) X

Improper X

**NATURE OF CLAIM:** The claimant alleges that a City of Atlanta Police Officer wrongfully arrested him and charged him with Felony Property Damage, and Felony Intoxication, after he intervened on behalf of another person who was having his car towed. Accordingly, O.C.G.A. § 36-33-3 states "municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharged of their duties."

## INVESTIGATION:

Statements: City employee

Pictures Diagrams

Traffic citations issued: City Driver

Citation disposition: City Driver

Claimant

Reports: Police

Other X

Dept Report

Claimant Driver

Claimant Driver

Written

Other

Oral

Other

## BASIS OF RECOMMENDATION:

Function: Governmental X

Improper Notice

City not involved

Repair/replacement by Ins. Co.

Claimant Negligent

More than Six Months

Offer rejected

City Negligent

Ministerial

Other X

Repair/replacement by City Forces

Joint

Damages reasonable

Compromise settlement

Claim Abandoned

Respectfully submitted,

Alexis Holmes  
INVESTIGATOR - ALEXIS HOLMES

## RECOMMENDATION:

Pay \$

Claims Manager:

Committee Action:

Adverse X

Account charged: 1A01

Concur/date

Council Action

2J01

07.12.01

2H01

NEAL H. HOWARD & ASSOCIATES, P.C.  
Attorneys at Law

100 CENTURY PLACE, SUITE 310  
ATLANTA, GEORGIA 30345  
PHONE: (404) 633-3068  
FAX: (404) 633-2078

908 SECOND AVENUE  
COLUMBUS, GEORGIA 31901  
PHONE: (706) 324-7545  
FAX: (706) 322-7030

April 3, 2001

ENTERED - 4-9-01 - SB  
0110228 - ALEXIS HOLMES

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

City of Atlanta--Department of Law  
Suite 4100, City Hall Tower  
68 Mitchell Street, S.W.  
Atlanta, Georgia 30335-0332  
Attn: Susan Pease Langford  
City Attorney

RE: Ante-Litem Notice for Neal Howard


Dear Ms. Langford:

This letter is being sent in accordance with O.C.G.A. § 36-33-5. This firm represents Neal Howard, who was arrested without provocation by Officer Ludwig of Zone 2 of the City of Atlanta police department on Tuesday, October 24, 2000, at approximately 9:00 p.m. Mr. Howard was arrested and charged with a felony crime, in addition to other charges, after City of Atlanta police officers, including officer Ludwig, arrived in response to Mr. Howard's 911 call. Mr. Howard initiated this call after witnessing a tow-truck driver strike a pedestrian in the parking area of a restaurant in which Mr. Howard was dining. Mr. Howard was subsequently detained at the city jail for approximately 12 hours.

Mr. Howard has been put through the rigors of defending himself in an ungrounded criminal prosecution based on the unwarranted actions of Officer Ludwig, in addition to the harassment and mental distress inflicted upon Mr. Howard by the actions of Mr. Ludwig. You are hereby on notice of potential claims for false imprisonment, false arrest, malicious prosecution, malicious arrest and/or intentional infliction of emotional distress, which may be asserted against the City of Atlanta based upon the actions of Officer Ludwig. This notice is being sent in an effort to preserve any potential claims that Neal Howard may have against responsible parties.

Should you have any questions or concerns regarding the herein matters, or wish to entertain adjustment of this claim, please contact our firm's Atlanta office.

Sincerely,



Dixon James

01-R-1155


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CL01L0228 - ALEXIS HOLMES

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Claim No. 01L0228

Date: 7/10/01

Claimant /Victim NEAL H. HOWARD

BY: (Atty)(Ins.) \_\_\_\_\_

Address: 1900 Century Place, Suite 310, Atlanta, Georgia 30345

Subrogation \_\_\_\_\_ Claim for Property damage \$ Unspecified Bodily Injury \$ \_\_\_\_\_

Date of Notice: 4/9/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/24/00 Place: Plaster Avenue and Peachtree Hills Road

Department Police Division: Field Operations Division

Employee involved Officer Ludwig Disciplinary Action: None taken

**NATURE OF CLAIM:** The claimant alleges that a City of Atlanta Police Officer wrongfully arrested him and charged him with Felony Property Damage, and Felony Intoxication, after he intervened on behalf of another person who was having his car towed. Accordingly, O.C.G.A. § 36-33-3 states "municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharged of their duties."

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Other \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_


Claims Manager: [Signature] Concur/date 07.12.01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

NEAL H. HOWARD & ASSOCIATES, P.C.  
Attorneys at Law

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Holmes  
04/09/01  


April 3, 2001

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